

d.) **Remarks.**

Claims 1-20 are currently pending.

Remarks Regarding 35 U.S.C. § 112, first paragraph

Claims 1-20 stand rejected under 35 U.S.C. § 112, first paragraph. Applicant respectfully traverses this rejection.

Specifically, it is alleged that “a review of the specification does not find support for the limitation “in real-time, closed-loop control of the production process.” Applicant respectfully disagrees. Support for this phrase is found clearly in the specification. Therein applicant states that:

“Sensors may periodically or constantly monitor these controlled environments and provide information, not only on outbreak but potentially on the overall health of the population, or that portion of the population, thereby allowing for real-time, closed-loop control of the production process.” (Emphasis added; page 6, lines 9-12).

Thus, applicant’s amendment is fully and completely supported in the specification. Further, the meaning of this phrase is clear to those of ordinary skill in the art, and also further elaborated upon in the specification. For example, real-time, closed-loop control clearly contemplates immediate monitoring. This is because, as stated in the specification:

“The control station may be a computer that monitors the sensors. When a sensor detects a potentially harmful chemical or biological agent, an alarm can be sounded to alert the operator. The operator can take immediate action to protect the non-exposed portions of the operation and treat the exposed portion as necessary.” (Emphasis added; page 7, lines 1-5).

Thus, applicant respectfully submits that the phrase “real-time, closed-loop control of the production process” is both fully and clearly disclosed in the specification to those skilled in the art.

Applicant respectfully requests that the rejection of claims 1-20, under 35 U.S.C. § 112, first paragraph, be withdrawn as in error.

Remarks Regarding 35 U.S.C. § 103

A.¹ Claims 1, 2, 5, 8, 9, 11-15 and 17-20 stand rejected, under 35 U.S.C. § 103(a), as allegedly obvious over U.S. Patent No. 5,942,440 ("Dooley") in view of U.S. Patent No. 5,355,815 ("Monson").

B. Claims 1-4, 6, 7, 9-12, 15 and 16 stand rejected, under 35 U.S.C. § 103(a), as allegedly obvious over U.S. Patent No. 5,789,183 ("Lee"), in view of U.S. Patent No. 6,751,576 ("Hall") and Monson.

Applicant respectfully traverses this rejection and all comments made in the Office Action. All of Applicant's remarks concerning the cited references from the Amendment filed and dated August 30, 2005, are hereby incorporated by reference. As previously stated by Applicant, these references do not meet the burden of establishing a *prima facie* case of obviousness with regard to applicant's claimed invention. The addition of Monson still does not meet this burden and cited combinations fail to render obvious applicant's claimed invention for at least the following reasons.

Monson is not analogous art. Although the terms "closed-loop" and "real-time" are found in Monson, Monson is referring to a fertilizer application system based on determining soil prescription and dispensing fertilizer at a rate based on the ratio of natural components including nitrogen, phosphorus and potassium (See Monson, column 2, lines 23-26). This is not analogous to the real-time, closed-loop production process of applicant's invention. Real-time for the application of fertilizer is based in the composition of the soil which does not change very quickly. In contrast, monitoring sensors in real-time means that intervention can be immediate. Immediate intervention can result in saving a portion, and often a significant portion, of the operation from contamination and allow for immediate treatment of the affected areas. This is not suggested in Monson.

None of Dooley, Lee or Hall have anything to do with vehicle fertilization systems. Nor do they disclose or suggest soil or fertilizer maps, which are alleged by the examiner to be

¹ The undersigned notes that the Examiner's first prior art rejection is stated in the Office Action to be under 102(b) (see Office Action, page 3, item 2. This is believed to be a typographical error because the substance of the Examiner's following comments actually contemplates Dooley in view of Monson. This clearly indicates that the rejection should be under 103(a). Further, the heading of this section also refers only to rejections under 103. Thus, applicant is responding to this rejection as a 103(a) and not 102(b) rejection. If this determination is in error, applicant respectfully requests that a new Office Action be issued.

traditional. In fact, the sensors of the these references are not mobile, nor do they dispense fertilizer. Therefore, it would not have been obvious to combine Monson with Dooley, Lee or Hall as alleged in the Office Action.

Further, it is alleged in the Office Action that the motivation for combining Monson is in “the advantage of not having to use traditional navigation position system and maps” (see Office Action, page 4, lines 4-5). Applicant respectfully disagrees. This is insufficient because applicant’s claimed invention is not an advantage over traditional navigation position system and maps. It is clearly established that the motivation must lead one of ordinary skill in the art to the claimed invention and in the absence of hindsight. The Examiner is utilizing motivation for one purpose and taking that in combination with hind sight to lead to another purpose that was neither considered or suggested in any of the cited references. This is clearly improper, but also would not lead one skilled in the art to applicant’s claimed invention. For all these reasons, applicant’s claimed invention is not suggested by any of the cited combinations of references.

Thus, application respectfully requests that the rejection of claims 1, 2, 5, 8, 9, 11-15 and 17-20, under 35 U.S.C. § 103(a), and also the rejection of claims 1-4, 6, 7, 9-12, 15 and 16, under 35 U.S.C. § 103(a), be withdrawn, and that the claimed invention be considered free of all prior art rejections.

Conclusion

In view of the foregoing remarks, reconsideration of the application and issuance of a Notice of Allowance is respectfully requested.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the number below.

Should additional fees be necessary in connection with the filing of this Response, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge **Deposit Account No. 50-1682 for any such fees, referencing Attorney Docket No. 144590.00200**; and applicant hereby petitions for any needed extension of time not otherwise accounted for with this submission.

Respectfully submitted,
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